

United States District Court

WESTERN DISTRICT OF WASHINGTON

FRED CHISOM

JUDGMENT IN A CIVIL CASE

v.

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

CASE NUMBER: C07-5310RBL/KLS

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Court adopts the Report and Recommendation;

Petitioner's motion to proceed *in forma pauperis* (Dkt. #1) and motion to waive the filing fee (Dkt. #4 and 5) are **DENIED**. Further, this petition cannot be cured by amendment as Petitioner is not challenging his judgment or sentence.

The Court will not consider converting this action to a civil rights action as Petitioner has had actions dismissed on five previous occasions where the Court specifically counted the dismissal as a strike pursuant to 28 U.S.C. § 1915(g).

The Clerk is directed to **DISMISS THE PETITION**.

August 28, 2007
Date

BRUCE RIFKIN
Clerk

s/CM Gonzalez
Deputy Clerk